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Docket # PF-0695-2 CON

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"Express Mail" mailing label number EL 856 150 250 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on August 24, 2001

By:

Nancy Ramos

Printed: Nancy Ramos

J1046 U.S. PTO
09/938803
08/24/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No.09/311,894, filed on May 14, 1999, entitled **FULL-LENGTH EXPRESSED GENETIC MARKERS**.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/311,894 filed May 14, 1999, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 09/311,894, filed May 14, 1999, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/311,894 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims ~~17~~, ~~19~~, ~~20~~, ~~22-23~~, ~~25~~ and ~~28-49~~ before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention

disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Henry Yue; Y. Tom Tang; Preeti Lal; Roopa Reddy; Mariah R. Baughn; Junming Yang; Yalda Azimzai.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on August 12, 1999 is enclosed.
6. Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 09/311,894, filed May 14, 1999 , all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$710.00
Total Claims	21	-20	1	x \$18	\$18	\$18.00
Indep. Claims	2	-3	1	x \$80	0	\$0
<u> </u> Multiple Dependent Claim(s), if any				+ \$270		\$18.00

TOTAL FILING FEE \$ 728.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 728.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108. A duplicate copy of this Request is enclosed.

10. New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on August 12, 1999, at reel 010160/frame 0534.
12. A preliminary amendment is enclosed.
13. X Also enclosed is an Information Disclosure Statement and Form PTO-1449 (5 pp.).
14. X The power of attorney of the prior application is to:

Adam Warwick Bell
Lucy J. Billings
Michael C. Cerrone

Reg. No. 43,490
Reg. No. 36,749
Reg. No. 39,132

Diana Hamlet-Cox
Matthew R. Kaser
Lynn E. Murry
Danielle M. Pasqualone
Susan K. Sather
David G. Streeter
Christopher Turner
Peng Ben Wang

Reg. No. 33,302
Reg. No. 44,817
Reg. No. 42,918
Reg. No. 43,847
Reg. No. 44,316
Reg. No. 43,168
Reg. No. 45,167
Reg. No. 41,420

___ The associate power of attorney in the prior application is to:

- a. X A Certificate Under 37 CFR §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.
- b. ___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: August 29, 2001 By: David G. Streeter
David G. Streeter, Ph.D.
Reg. No. 43,168
Direct Dial Telephone: (650) 845-5741

- ___ Inventor(s)
___ Assignee of complete interest
X Attorney or agent of record
___ Filed under 37 CFR 1.34(a)
Registration number if acting under 37 CFR 1.34(a) _____

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By: Nancy Ramos Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Henry Yue; Y. Tom Tang; Preeti G. Lal; Roopa Reddy; Mariah R. Baughn; Junming Yang; Yalda Azimzai

Title: FULL-LENGTH EXPRESSED GENETIC MARKERS

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37 C.F.R. §3.73(b),
REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEYS

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Genomics, Inc., formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 010160, Frame 0534, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Matthew R. Kaser	Reg. No. 44,817

Lynn E. Murry
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Susan K. Sather
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P. Ben Wang

Reg. No. 42,918
Reg. No. 47,016
Reg. No. 44,316
Reg. No. 41,327
Reg. No. 43,168
Reg. No. 41,420

Please direct all correspondence to:

Legal Department
Incyte Genomics, Inc.
3160 Porter Drive
Palo Alto, California 94304

and direct all telephone calls and facsimile transmissions to: Diana Hamlet-Cox, Incyte Genomics, Inc.,
Phone: (650) 845-4639, Fax: (650) 849-8886.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE GENOMICS, INC.

Date: August 24, 2001

By: Lee Bendekgey
Lee Bendekgey
VP, General Counsel/Corporate Secretary